

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

KRISTINA MIKHAYLOVA,

Plaintiff,

-against-

BLOOMINGDALE'S, INC., BLOOMINGDALE'S,  
INC. d/b/a BLOOMINGDALE'S AND FORTY  
CARROTS, BLOOMINGDALE'S, LLC,  
BLOOMINGDALE'S, LLC d/b/a  
BLOOMINGDALE'S NEW YORK, MACY'S,  
INC., MACY'S, INC. d/b/a MACY'S OF NEW  
YORK, UNITED STOREWORKERS RETAIL,  
WHOLESALE AND DEPARTMENT STORE  
UNION AFL-CIO LOCAL 3 a/k/a LOCAL 3  
UNITED STOREWORKERS RWDSU/UFCW,  
DENNIS DIAZ, individually, CHRISTOPHER  
CASTELLANI, individually, RICHARD LAW,  
individually, and BOBBY BOOKER, individually,

Defendants.

Civil Action No. 1:19-cv-08927-GDB

**SUPPLEMENTAL DECLARATION OF  
PLAINTIFF  
KRISTINA MIKHAYLOVA IN  
OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

I, KRISTINA MIKHAYLOVA, of full age and ability, hereby declare as follows:

1. I am the Plaintiff in this action. I am a female over the age of eighteen (18) years old and reside in the state of New York.
2. This supplemental declaration is submitted in further support of Plaintiff's opposition to the Defendants' Motion for Summary Judgment to clarify any discrepancies from my deposition and to respond to Defendants' declarations submitted with their Reply to their Motion for Summary Judgment.

3. I can state with certainty that on atleast one occasion Denis Diaz did ring me up and the shipping address was out of state.

4. I do not know what Denis Diaz and Cathy Younis's Employee ID numbers are or were at the time of my employment.

5. However, if another associate was logged into the register, any employee including one of the managers could and would ring me up using that person's id number.

6. Cathy Younis and Denis Diaz were always present during any purchases.

7. On or before June 1, 2017 I submitted my FMLA paperwork requesting my leave to begin from March 2017 to November 2017.

8. Richard Law (Law) was the HR manager and his office was in the same office that I submitted my FMLA leave paperwork.

9. I was under the impression that my FMLA leave was approved around June 2, 2017.

10. As of June 6, 2017, I was placed on suspension without pay until I was terminated on June 16, 2017.

11. I did not call the Leave Absence department after I was placed on suspension. I did not have or know the phone number for the leave of absence department.

12. I did not call asking about intermittent leave tracking of time especially since I did not know whether I was going to be fired.

13. Between June 6, 2017 and June 8, 2017, LAW failed to contact me, subjecting me and ignored my repeated phone and email contact attempts.

14. Around June 8, 2017, I emailed LAW for a status of my suspension and if the decision to terminate me was because of my pregnancy.

15. This email prompted a response from LAW on or about June 9, 2017. LAW left me a voicemail saying that I was not suspended due to my pregnancy and that he needed time to conduct an investigation of my purchases.

16. Notably, Law never addressed my complaints of discrimination and retaliation on the basis of my pregnancy and disability.

17. I called the Human Resources department between June 8, 2017 and June 13, 2017 because I wanted to know the status of my employment and to complain about discrimination and retaliation.


18. I also did not submit my doctor's medical documentation around June 15, 2017 as during that time my main concern was whether I was getting fired because of my pregnancy and requests for an accommodation. Also that same day, Richard Law scheduled a meeting with me and LOCAL 3 Representative, KATHY HOUSER for June 16, 2017.

19. On June 16, 2017, Defendants unlawfully terminated me.

20. Around June 20, 2017, I filed a grievance with Defendant LOCAL 3 against BLOOMINGDALE'S for unlawful termination.

Pursuant to 28 U.S.C. §1746(2), I, the undersigned, declare under penalty of perjury that the foregoing is true and correct.

Dated:           October 30, 2023  
                  New York, New York

  
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Kristina Mikhaylova (Oct 30, 2023 17:33 EDT)

Kristina Mikhaylova